

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

**GREGORY RINGENBERG**

**Plaintiff,**

**v.**

**UNITED STATES OF AMERICA; GARY REEVES; ROBIN REEVES; GARY L. FIELDS; MARTHA D. FIELDS; MERVIN OWNBY; JACOB SAMUEL-JAMESON SLACK; GREGORY SCOTT COOK; PATRICK L. WHITE; JOAN M. MOWERY; DWIGHT A. COFFEY; VICKIE S. COFFEY; THEODORE RANDOLF HAMILTON; MICKEY ROSS MORGAN; OLIVIE MORGAN; MARY MORGAN; THOMAS F KENNY, IV; LAUREN M. KENNY; TIMOTHY ZITMAN; KATHLEEN ZITMAN; KMT PARTNERS, GP; AND ALL OTHERS CLAIMING ANY RIGHT, TITLE, OR INTEREST IN THE LANDS KNOWN AS MONROE COUNTY, TENNESSEE TAX PARCEL 139-006.00,**

**Defendants.**

**Case No. 3:23-CV-00295-DCLC-JEM**

**MOTION TO DISMISS**

COME the Defendants, Gary Reeves and Robin Reeves (“Reeves”) and Thomas F. and Lauren M. Kenny (“Kenny”) (collectively “Defendants”), by and through counsel and hereby respectfully move the Court to decline to exercise supplemental jurisdiction under 28 U.S.C. 1367(c) and dismiss all claims against Reeves and Kenny from this case. In support of this Motion, Reeves and Kenny would show as follows:

Under 28 U.S.C. 1367(c), a court may decline to exercise supplemental jurisdiction if (1) the claim raises a novel or complex issue of state law, **(2) the state claim substantially**

**predominates over the federal claim or claims over which the district court has original jurisdiction,** (3) all claims over which the court has original jurisdiction have been dismissed, or **(4) there are other exceptional circumstances.** As set forth more fully in the Memorandum Brief in Support of Defendants Reeves' and Kennys' Motion to Dismiss filed contemporaneously herewith, the facts and circumstances relating to the present case, and specifically the state law claims pertaining to Reeves and Kenny and all Defendants except for the United States, present a sufficient basis for this Court to decline to exercise supplemental jurisdiction under § 1367(c)(2) and (c)(4).

The state law claims substantially predominate over the federal claim(s), and there exist other exceptional circumstances. The pertinent facts which justify declining to exercise supplemental jurisdiction include a lawsuit filed by Plaintiff four (4) years ago in the Monroe County Chancery Court against Reeves, Kenny, and the same other 20+ Monroe County residents who have been brought into the present suit by Plaintiff under the Second Amended Complaint [Doc #57] (the "State Court action"), which State Court action involves the same state law claims of boundary line disputes, easement issues, trespass and related claims which have been or will be asserted in the present suit (through counterclaims if the Monroe County residents remain as defendants in this case), and which do not require the same proof or necessary to determine the federal claims between Plaintiff and the U.S. The state law claims are distinct and are best suited to be decided by the Chancellor in the State Court action which remains pending. Moreover, concerns of comity and fairness suggest that under the exceptional circumstances presented, i.e., uniquely state law real property issues involving 20+ Monroe County residents where prior litigation between the exact same parties has been underway for four (4) years, the Plaintiff should not be permitted to seek an end run around the State Court action on these issues.

Wherefore, for these reasons, as set forth in greater detail in the Memorandum Brief filed by Reeves and Kenny herewith, Reeves and Kenny respectfully request that this Court decline to exercise supplemental jurisdiction and enter an order dismissing the claims against them.

Respectfully submitted this 4th day of April, 2025.

/s/ Eric J. Morrison

Eric J. Morrison (BPR # 012731)  
LIPSEY, MORRISON, WALLER & LIPSEY, P.C.  
1430 Island Home Avenue  
Knoxville, TN 37920  
Phone: (865) 546-6321  
FAX: (865) 546-0422  
E-mail: [emorrison@lmwl.law](mailto:emorrison@lmwl.law)

*Attorney for Gary and Robin Reeves*

/s/ S. David Lipsey

S. David Lipsey (BPR # 027380)  
LIPSEY, MORRISON, WALLER & LIPSEY, P.C.  
1430 Island Home Avenue  
Knoxville, TN 37920  
Phone: (865) 546-6321  
FAX: (865) 546-0422  
E-mail: [dlipsey@lmwl.law](mailto:dlipsey@lmwl.law)

*Attorney for Thomas F. Kenny, IV and  
Lauren M. Kenny*

## CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the Motion to Dismiss has been sent to:

Richard E. Graves, Esquire  
Matthew A. Grossman, Esquire  
Frantz, McConnell & Seymour LLP  
*Counsel for Plaintiff Gregory Ringenberg*

Damien M. Schiff, Esquire  
Jeffrey W. McCoy, Esquire  
Pacific Legal Foundation  
*Counsel for Plaintiff Gregory Ringenberg  
as to claims against Defendant Forest Service*

Nicole Antolic Gross, Esquire  
*Counsel for Defendant United States of America*

electronically by ECF this 4th day of April, 2025.

I further certify that a true and exact copy of the forgoing Motion to Dismiss has been sent to:

Gary L. Fields  
Martha D. Fields  
230 Miller Ridge Road  
Tellico Plains, TN 37385

Mervin Ownby  
331 Zion Hill Road, SE  
Cleveland, TN 37323

Jacob Samuel-Jameson Slack  
921 Highway 39E  
Athens, TN 37303

Gregory Scott Cook  
552 Creole Drive  
Maryville, TN 37801

Patrick L. White  
1817 Thoreau Lane  
Knoxville, TN 37922

Joan M. Mowery  
9936 Rainbow Drive  
Knoxville, TN 37922

Dwight A. Coffey  
Vickie S. Coffey  
900 Linda Drive SE  
Cleveland, TN 37323

Theodore Randolph Hamilton  
109 Cherry Street  
Athens, TN 37303

Mickey Ross Morgan  
2378 Centerpoint Road  
Decatur, TN 37322

Olivia Morgan  
1015 Corntassel Road  
Vonore, TN 37885

Mary Morgan  
1228 New Highway 68  
Sweetwater, TN 37874

Thomas F. Kenny, IV  
Lauren M. Kenny  
5313 Swanner Road  
Knoxville, TN 37918

Timothy and Kathleen Zitzman  
3928 Maloney Road  
Knoxville, TN 37920

KMT Partners  
c/o Timothy Zitzman  
3928 Maloney Road  
Knoxville, TN 37920

via U.S. mail, postage prepaid this 4th day of April, 2025.

/s/ Eric J. Morrison

Eric J. Morrison